

Proposed Treatment without Referral Amendments to PT Rules §322.1

This notice is intended to keep all stakeholders/licensees updated on the PT Board's progress toward implementing Rules amendments as the result of recent HB 29 changes to the PT Practice Act. However, until proposed Rules amendments are adopted and published to the *Texas Register*, they are subject to modification and should be used for planning purposes with the knowledge that changes are possible.

The Rules & Practice Committee of the Texas Board of Physical Therapy Examiners (PT Board) met Thursday, July 18, 2019 to **discuss and draft amendments to PT Rules §322.1. (a) Initiation of physical therapy services in order to implement the changes made to Sec. 453.301, Occupations Code (PT Practice Act) pursuant to HB 29.**

Proposed Rules amendments were recommended to the PT Board on Friday, July 19, 2019. **The PT Board voted unanimously to propose the amendments** which will be **reviewed and voted on by the Executive Council on August 9th** before forwarding the **Notice of Rulemaking to the Governor's office**. Once reviewed and approved through the Governor's office, the proposed Rules amendment will be **published in the *Texas Register* and will be open for public comment**. Target date for publishing in the *Texas Register* is **no later than the September 6, 2019 edition** in order to allow for the requisite **30-day public comment period before final adoption at the PT Board's October 11th meeting**.

There are **no changes to §322.1. (a)(2) Exceptions to referral requirement in (A) – (C)** mandated in HB 29. A PT, regardless of entry-level degree and without having to be licensed for at least one year, can still evaluate without a referral, can provide instructions to an asymptomatic individual, and can respond in emergency circumstances.

However, the **authority to readmit an established patient under a prior referral for twenty (20) treatment sessions or thirty (30) consecutive calendar days (D) was struck** from statute as the result of HB 29. Effective September 1, 2019, this will no longer be an exception to the referral requirement.

The majority of the proposed amendment to allow treatment without a referral mirrors the language in HB 29 with provisions that must be met and limitations on the number of consecutive business days of treatment before a referral is required. A PT who will be **treating without a referral** must have been **licensed to practice physical therapy for at least one (1) year**, and must be **covered by professional liability insurance**. The PT Board has **proposed the amount as \$100,000 /claim and \$300,000/year aggregate**.

In order to provide **treatment without a referral to a patient for ten (10) consecutive business days**, a PT must **possess a doctoral degree in physical therapy** or have **completed thirty (30) continuing competence units (CCUs) in differential diagnosis**. If a PT with a **doctoral degree has completed a fellowship or residency**, the number increases to **15 consecutive business days**.

The PT Board is drafting a **disclosure form that PTs must have signed by the patient prior to treatment without referral**.

Effective date of changes to Sec. 453.301, Occupations Code (PT Practice Act) - September 1, 2019.

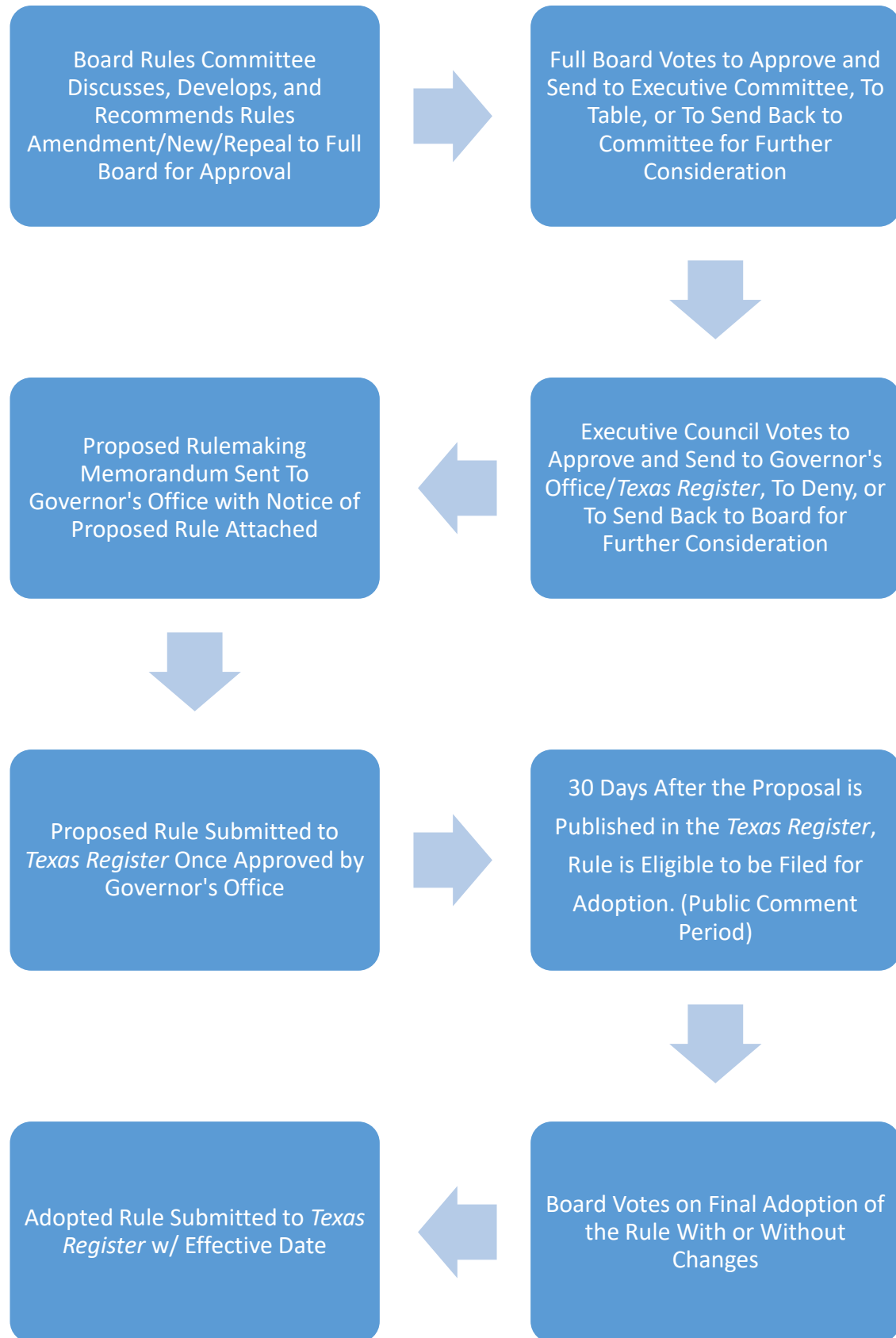
Effective date of proposed amendments to PT Rules §322.1. (a)(2) Exceptions to referral requirement – November 1, 2019.

Effective date for obtaining a signed disclosure from a patient prior to treatment without referral – November 1, 2019.

The enrolled text of HB 29 can be viewed at <https://capitol.texas.gov/>.

The proposed Rule amendment to PT Rules §322.1. will be posted to the PT Board's website and published in the Texas Register once it has received final approval from the Governor's office.

Texas Board of Physical Therapy Examiners Rulemaking Process



Treatment Without Referral FAQs

For how long must a PT be licensed before qualifying to provide treatment without referral?

A PT must have been licensed to practice physical therapy for at least one year in order to provide treatment without referral.

How much professional liability insurance must a PT carry in order to treat patients without a referral?

The PT Board has proposed professional liability insurance in the amount of \$100,000 per claim and \$300,000 per year aggregate. The coverage can be through a personal or employer's policy, or through indemnification.

When must a PT be covered by professional liability insurance before treating a patient without a referral?

A PT must have professional liability insurance before treating a patient without a referral effective September 1, 2019. However, the PT Board's amendment to §322.1. (a)(2) Exceptions to referral requirement that sets the amount of professional liability coverage as \$100,000/claim and \$300,000/year aggregate will take effect November 1, 2019.

Will a PT with a doctoral degree be able to treat a patient without a referral beginning September 1, 2019?

Yes, as long as the PT has been licensed to practice physical therapy for at least 1 year, has coverage of professional liability insurance, and the treatment does not exceed 10 consecutive business days.

What doctoral degrees qualify a PT to treat a patient without a referral for 10 consecutive business days?

A PT whose entry-level degree is a doctoral from a CAPTE-accredited program qualifies to treat a patient without a referral for 10 consecutive business days. Additionally, a PT with a post-professional (transitional) DPT, a Doctor of Science in Physical Therapy, or a PhD in Physical Therapy qualifies as long as the program was from an accredited institution.

How can a PT who has a Bachelor of Science or a Master of Science in Physical Therapy qualify to treat without a referral?

A PT with a BS or MS in Physical Therapy can qualify to treat without a referral by completing 30 CCUs in the area of differential diagnosis. Treatment without a referral under this qualifier cannot exceed 10 consecutive business days.

Do the 30 CCUs in the area of differential diagnosis need to be in 1 course/activity?

No, the 30 CCUs can be from several courses/activities and can be tickled out of a larger course as long as there is documented evidence supporting the number of CCUs in the area of differential diagnosis.

Does the differential diagnosis course/activity need to be approved through the Continuing Competence Approval Process (CCAP)?

No, any course/activity in the area of differential diagnosis or with differential diagnosis content can qualify toward the requirement. However, without CCAP approval, the CCUs cannot be used to meet the renewal requirement.

Does the differential diagnosis course/activity have to be taken after September 1, 2019?

No, a previously completed course/activity can qualify as long as there is documented evidence of CCUs in the area of differential diagnosis.

What qualifies a PT to treat without a referral for 15 consecutive business days?

A PT with a doctoral degree in physical therapy who has completed a residency or fellowship can provide treatment without a referral for 15 consecutive business days.

Does the residency or fellowship need to be accredited?

No, a residency or fellowship completed prior to the implementation of accreditation standards qualifies as long as there is documented evidence of completion.

Does extensive clinical experience during an entry-level physical therapy program qualify as a residency or fellowship?

No, only completion of a post-professional residency or fellowship can qualify a PT with a doctoral degree for treatment without a referral for 15 consecutive business days.

Does a PT with a BS or MS in Physical Therapy who completed a residency or fellowship qualify for providing treatment without a referral for 15 consecutive business days?

No, only a PT with a doctoral degree who completed a residency or fellowship qualifies for providing treatment without a referral for 15 consecutive business days.

When does a PT who will be providing treatment without a referral need to obtain a signed disclosure?

The effective date in statute is November 1, 2019.

Can a PT use their own disclosure form for treatment without referral?

No, the PT Board will have the disclosure form for treatment without referral available on their website prior to the November 1, 2019 effective date.

Will a PT be able to provide physical therapy for twenty (20) treatment sessions or thirty (30) consecutive calendar to an established patient under a prior referral?

Effective September 1, 2019, treating a patient under a prior referral will no longer be an option for treatment without a referral.